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LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

NOTIFICATION

No. LAW 39 LGN 75 Bangalore, dated 10th July 1975.

Ordered that the Karnataka Land Revenue (Amendment) Ordinance, 1975 promulgated by the Governor of Karnataka in the Twenty-sixth Year of the Republic of India, be published as Karnataka Ordinance No. 7 of 1975 in the *Karnataka Gazette* for general information.

KARNATAKA ORDINANCE No. 7 OF 1975

THE KARNATAKA LAND REVENUE (AMENDMENT) ORDINANCE, 1975.

(*Promulgated by the Governor of Karnataka in the Twenty-sixth Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Tenth day of July 1975.*)

An Ordinance further to amend the Karnataka Land Revenue Act, 1964.

WHEREAS neither House of the State Legislature is in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964);

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely :—

1. **Short title and commencement** :—(1) This Ordinance may be called the Karnataka Land Revenue (Amendment) Ordinance, 1975.

(2) It shall come into force at once.

2. **Amendment of section 18** :—In section 18 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) (hereinafter referred to as the principal Act), in sub-section (1), for the words "Commissioner for Survey, Settlement and Land Records", the words "Director of Survey, Settlement and Land Records" shall be substituted.

3. **Amendment of section 49** :—In section 49 of the principal Act, —

(i) after the words "the rules made thereunder",

the words, figures and brackets "and from every order made in exercise of the powers conferred by section 54 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908)" shall be inserted ;

(ii) in clause (a), after the words "subordinate to the Assistant Commissioner", the words " whether or not invested with the powers of the Assistant Commissioner or the Deputy Commissioner ", shall be inserted ;

(iii) for clauses (c), (d), (e), (f) and (g), the following clauses shall be substituted, namely :—

" (c) if such an order is passed by the Deputy Commissioner, to the Tribunal ;

(d) if such an order is passed by the Divisional Commissioner, to the Tribunal ;

(e) if such an order is passed by a Survey Officer below the rank of an Assistant Superintendent of Land Records or the Assistant Superintendent for Settlement, to the Assistant Superintendent of Land Records or the Assistant Superintendent for Settlement, as the case may be ;

(f) if such an order is passed by a Survey Officer of the rank of an Assistant Superintendent of Land Records or Assistant Superintendent for Settlement, to the Deputy Commissioner of Land Records or the Deputy Commissioner for Settlement, as the case may be ;

(g) if such an order is passed by the Deputy Commissioner of Land Records or the Deputy Commissioner for Settlement, to the Director of Survey, Settlement and Land Records ;

(h) if such an order is passed by the Director of Survey, Settlement and Land Records, to the Tribunal",

4. Amendment of section 50.—In sub-section (1) of section 50 of the principal Act,—

(i) for clauses (b) and (bb), the following clauses shall be substituted, namely :—

" (b) if such an order is passed by the Deputy Commissioner, to the Tribunal ;

(b1) if such an order is passed by the Assistant Superintendent for Settlement or the Assistant Superintendent of Land Records, to the Director of Survey, Settlement and Land Records ;

(b2) if such an order is passed by the Director of Survey, Settlement and Land Records, to the Tribunal ";.

(ii) in clause (c), for the words " Commissioner of Survey ", the words " Director of Survey " shall be substituted.

Amendment of section 56.-In section 56 of the principal Act,—

(1) in sub-section (1)—

(i) after the words " subordinate officers under this Act", the words, figures and brackets " or under section 54 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) " shall be inserted ;

(ii) the proviso shall be omitted ;

(iii) for the Explanation, the following Explanation shall be substituted, namely :—

"*Explanation* :—For the purposes of this sub-section,—

(i) Special Deputy Commissioner shall be deemed to be not subordinate to the Deputy Commissioner; and

(ii) all revenue officers shall be deemed to be subordinate to the Tribunal.

(2) sub-section (1A) shall be omitted ;

(3) in sub-section (2), for the words " State Government " in the two places where they occur the word " Tribunal " shall be substituted;

(4) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) No application for revision under this section and no power of revision on such application shall be exercised against any order in respect of which an appeal under this Chapter has been preferred and no application for revision shall be entertained unless such application is presented within a period of four months from the date of such order :

Provided that any Revenue Officer or Survey Officer referred to in sub-section (1) may exercise power under this section in respect of any order against which no appeal has been preferred under this Chapter, at any time within three years from the date of the order sought to be revised.

Explanation.—In computing the period of limitation for the purpose of this sub-section, any period during which any proceeding under this section is stayed by an order or an injunction by any court shall be excluded.

6. **Transfer of appeals etc.**—Notwithstanding anything contained in sections 49, 50 or 56 of the principal Act as in force before the date of commencement of this Ordinance orin section 6 of the Karnataka General Clauses Act, 1899,—

(a) appeals and proceedings connected therewith and all proceedings in revision relating to grant of lands pending before the State Government or the Divisional Commissioner immediately before the date of commencement of this Ordinance shall with effect from that date, stand transferred to the Tribunal and the said appeals and proceedings shall be disposed of by the Tribunal as if the said appeals and proceedings had been preferred or commence before the Tribunal under the principal Act as amended by this Ordinance;

(b) in respect of an order or proceedings under the principal Act relating to the grant of land disposed of by the Deputy Commissioner or the Divisional Commissioner immediately before the date of commencement of this Ordinance, no appeal or revision shall lie to the Divisional Commissioner or the State Government, as the case may be, but an appeal or revision shall lie to the Tribunal as if the Tribunal were the appellate or revisional authority under the principal Act, and the appeal or revision shall be disposed of by the Tribunal accordingly.

Explanation.—In this section, the expression "Divisional Commissioner" and "Tribunal" shall have the same meaning as in the principal Act.

MOHANLAL SUKHADIA,
GOVERNOR OF KARNATAKA,

By Order and in the name of the Governor of Karnataka,

M. L. RAMASWAMI,
Draftsman and Ex-officio
Joint Secretary to Government,
Dept. of Law and Parliamentary Affairs.

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